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EXAMINER

JANVIER, JEAN D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,832

Applicant(s)

BASCOBERT ET AL.

Examiner

Jean D Janvier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

Status of the claims

Claims 1-35 were originally filed in the Instant Application. After a restriction requirement, Applicant elects, without traverse, claims 1-16 for prosecution on the merits and thus, claims 1-16 are presently pending in the Application and claims 17-35 are herein withdrawn from further consideration. Further, Applicant is requested to cancel the withdrawn claims in a future correspondence.

Claim Objections

Claim 7 is objected to because of the following informalities:

Concerning claim 7, the limitations “the computer-implemented method of claim 7...” should apparently be --the computer-implemented method of claim 1....--.

Concerning the claimed invention, “email” should apparently be --e-mail--.

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Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

As an initial matter, the United States Constitution under Art. I, §8, cl. 8 gave Congress the power to "[p]romote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries". In carrying out this power, Congress authorized under 35 U.S.C. §101 a grant of a patent to "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition or matter, or any new and useful improvement thereof." Therefore, a fundamental premise is that a patent is a statutorily created vehicle for Congress to confer an exclusive right to the inventors for "inventions" that promote the progress of "science and the useful arts". The phrase "technological arts" has been created and used by the courts to offer another view of the term "useful arts". See *In re Musgrave*, 167 USPQ (BNA) 280 (CCPA 1970). Hence, the first test of whether an invention is eligible for a patent is to determine if the invention is within the "technological arts".

Further, despite the express language of §101, several judicially created exceptions have been established to exclude certain subject matter as being patentable subject matter covered by §101. These exceptions include "laws of nature", "natural phenomena", and "abstract ideas". See *Diamond v. Diehr*, 450, U.S. 175, 185, 209 USPQ (BNA) 1, 7 (1981). However, courts have

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found that even if an invention incorporates abstract ideas, such as mathematical algorithms, the invention may nevertheless be statutory subject matter if the invention as a whole produces a "useful, concrete and tangible result." See *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* 149 F.3d 1368, 1973, 47 USPQ2d (BNA) 1596 (Fed. Cir. 1998).

This "two prong" test was evident when the Court of Customs and Patent Appeals (CCPA) decided an appeal from the Board of Patent Appeals and Interferences (BPAI). See *In re Toma*, 197 USPQ (BNA) 852 (CCPA 1978). In *Toma*, the court held that the recited mathematical algorithm did not render the claim as a whole non-statutory using the Freeman-Walter-Abele test as applied to *Gottschalk v. Benson*, 409 U.S. 63, 175 USPQ (BNA) 673 (1972). Additionally, the court decided separately on the issue of the "technological arts". The court developed a "technological arts" analysis:

The "technological" or "useful" arts inquiry must focus on whether the claimed subject matter...is statutory, not on whether the product of the claimed subject matter...is statutory, not on whether the prior art which the claimed subject matter purports to replace...is statutory, and not on whether the claimed subject matter is presently perceived to be an improvement over the prior art, e.g., whether it "enhances" the operation of a machine. *In re Toma* at 857.

In *Toma*, the claimed invention was a computer program for translating a source human language (e.g., Russian) into a target human language (e.g., English). The court found that the claimed computer implemented process was within the "technological art" because the claimed invention was an operation being performed by a computer within a computer.

The decision in *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* never addressed this prong of the test. In *State Street Bank & Trust Co.*, the court found that the "mathematical exception" using the Freeman-Walter-Abele test has little, if any, application to determining the presence of statutory subject matter but rather, statutory subject matter should be based on whether the operation produces a "useful, concrete and tangible result". See *State Street Bank & Trust Co.* at 1374. Furthermore, the court found that there was no "business method exception" since the court decisions that purported to create such exceptions were based on novelty or lack of enablement issues and not on statutory grounds. Therefore, the court held that "[w]hether the patent's claims are too broad to be patentable is not to be judged under §101, but rather under §§102, 103 and 112." See *State Street Bank & Trust Co.* at 1377. Both of these analysis goes towards whether the claimed invention is non-statutory because of the presence of an abstract idea. Indeed, *State Street* abolished the Freeman-Walter-Abele test used in *Toma*. However, *State Street* never addressed the second part of the analysis, i.e., the "technological arts" test established in *Toma* because the invention in *State Street* (i.e., a computerized system for determining the year-end income, expense, and capital gain or loss for the portfolio) was already determined to be within the technological arts under the *Toma* test. This dichotomy has been recently acknowledged by the Board of Patent Appeals and Interferences (BPAI) in affirming a §101 rejection finding the claimed invention to be non-statutory. See *Ex parte Bowman*, 61 USPQ2d (BNA) 1669 (BdPatApp&Int 2001).

Claim 12 (including claim 13) is rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter. In fact, the process or steps disclosed in

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independent claim 12 pertains to a manual process and therefore, the claims do not fall within the technological art. In other words, the steps or process recited in the claim should be implemented via a device, such as a computer system, a computer database, a data communication, computer network, the Internet and so and so forth.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 6-7 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Shane, US Patent 5,793,972.

As per claims 1-2, 6-7 and 8-11, Shane discloses a system for providing an interactive response to direct mail programs comprises a recipient database, a mail generator, and a web server computer (first device) operationally connected through the Internet to remote computers (second devices) accessible by direct mail recipients or screened users. The recipient database stores data records containing addressing information such as the name, mail, fax or e-mail address, and a unique personal identification code or PIN number for each direct mail recipient (recipient database stores mailing list parameters). The mail generator retrieves recipient data from the database and generates a multiplicity of direct mail pieces each displaying the name,

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address, and a uniform resource locator or URL containing the personal identification code for a screened or targeted recipient. The targeted or responding recipient accesses the web server (first device) or central computer by entering the uniform resource locator or URL displayed on the received direct **mail piece or mailer (paper form)**, mailed via the post office or e-mailed to the targeted recipient, into a local web browser outputted on his remote computer or second device (logging step). The web server computer retrieves recipient data from the recipient database correlated to the personal identification code or PIN contained in the uniform resource locator and uses this recipient data to create a unique interactive web page, where the recipient or respondent views personal messages or ads directed to his attention.

Here, recipient database 12 stores recipient data records 22 containing recipient addressing information, such as the recipient's name and address and a unique personal identification code for each intended direct mail recipient. Typically the recipient data (mailing list) contained in the recipient data records 22 is obtained from a mailing list broker and entered or stored into the recipient database 12. The recipient database 12 may also include demographic and tracking information for each recipient (col. 3: 64 to col.4: 5).

Further, mail generator 14, typically located in a lettershop, is electronically coupled to recipient database 12 so as to be capable of retrieving the recipient data for each intended or targeted (via a screening or filtering process) direct mail recipient or user. Preferably, mail generator 14 of fig. 1 comprises a computer system 24 including a printer 25 for printing direct mail pieces 26 displaying thereon the name, address and uniform resource locator (or URL related to a web site) containing a unique personal identification code, for each intended recipient. Mail generator 14 also typically addresses and prepares direct mail pieces or mailers

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26 for mailing through a postal system 28, which delivers mail pieces 26 to a plurality of locations 29, typically the home or office of each targeted or screened recipient (col. 4: 6-19).

In short, Shane discloses in fig. 4, the steps (of the method 100) carried out by apparatus 10. An advertiser (user) obtains one or more mailing lists from a list broker (by leasing or purchasing the mailing lists), wherein the mailing lists (raw data) are sent to a data house, along with any in-house lists and suppression lists that the advertiser has previously generated (Block 102). The data contained on the mailing and in-house lists are processed or filtered to eliminate duplicates and to prevent mail from being sent to certain individuals or addresses on the suppression lists, which the advertiser has previously determined would be inappropriate, to generate a recipient database 12 (screening the mailing lists to eliminate duplicate names or to prevent delivery to certain recipients' in a suppression list based at least on their addresses or locations, etc -Block 104) (using a modified or screened mailing list of recipients to send the mailing pieces to). In a typical direct mailing, the direct mail pieces 26 would then be printed by merging a pre-prepared form letter with data from the mailing lists, and the direct mail pieces or mailers 26 would be prepared for mailing and deposited with the post office 28 (col. 5: 63 to col. 6: 11).

See abstract; figs. 1-4; col. 2: 22 to col. 3: 32.

Shane also supports, in general, the steps of printing users' names and addresses on mail pieces or mailers, containing advertising or promotions, and mailing the mail pieces to the users by a data house (processing mail pieces). The users may respond via phone calls or by ordering products featured in the mail pieces. (Col. 1: 30-67). It should further be understood that the

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mailing list (or a screened mailing list), as disclosed by Shane, could be used in more than one marketing campaign (i.e. to run a first, second, third marketing campaign).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by **Bibelnieks**, US Patent 6,567,786.

As per claims 1-9 and 12-14, **Bibelnieks** teaches a method of and system for increasing the efficiency of customer contact strategies. Customers are screened or analyzed based upon historical criteria, such as the customers' purchase history, customers' responses to prior promotions, demographics, etc. A promotional plan (consisting of a group of promotion events implemented or to be implemented over a particular time period) is analyzed to determine the effect of each promotion event on the other promotion events in the promotional plan; and, based

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on this analysis, the optimal promotion stream (a specific subset of the promotional plan to be sent to customers or a group of similar customers) is determined so as to maximize the ROI (Return On Investment) of the promotional plan as a whole (See abstract; col. 2: 45 to col. 3: 4).

Bibelnieks further teaches a marketing method and system, which analyzes customer preferences, needs, and historical tendencies, customers' responses to previous promotions (promotion history), which looks at an entire promotional plan comprising a set of at least two proposed promotion events and takes into account the effects of a current promotion event on promotion events generated before, simultaneous with, and after the current promotion event (col. 2: 35-42).

Here, the method of the present system selects which promotions to send to a particular customer or customer segment by simultaneously considering all promotion events in a promotion plan or planning period as well as prior promotion events on an across-time. As indicated in fig. 3, the decision to include or exclude a particular customer or customer segment (customers), associated with a list of customers, from a particular promotion event considers all promotion events in a promotion plan or planning period **and past promotion events already sent to customers** (refining or modifying a contact list or database containing customers' names based at least in part on previous promotions or first promotions already sent to these customers (customers' feedback related to previously received promotions) and forwarding one or more promotion events to these customers on the refined or modified contact list or mailing list or updated database accordingly- fig. 3; col. 4: 42-65). In general, the decision to include or exclude a customer or a group of customers from one or more promotion events is also based on the customer data compiled in block A of fig. 4 primarily comprises behavioral data, e.g., purchasing

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history, returned-items history, payment history, **promotion history**, and demographic data. The customer data may also include data produced or derived in a known manner. For example, "time as customer" can be derived by calculating the number of months since a first purchase was made by a particular customer (fig. 4; col. 5: 4-27; col. 5: 28-48).

In addition, the system ranks each promotion event within a promotional plan to determine the best or most appropriate and cost-effective promotion event or mailer to send to a customer or a group of customers based on the customer's profile including responses (feedback) to previously sent promotions. For instance, for each customer promotion score (promotion rank), **the present system looks backwards in time using promotional history data to determine which promotions a customer being scored or considered has recently received to thereby determine which promotion event should be forwarded to the customer or group of targeted customers** (Using customers' feedback to past or first promotions to eliminate or screen customers' names in a database and deliver a mailer or promotion event to customers in the database based on the result of the screening -Col. 6: 65 to col. 7: 15).

Finally, it is understood that once a promotion event is determined, it will be mailed or sent via the post-office to one or more targeted customers (col. 3: 38-47; col. 7: 24-27).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

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matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shane, US Patent 5, 793, 972.

As per claims 3, 12 and 14-16, Shane discloses a system for providing an interactive response to direct mail programs comprises a recipient database, a mail generator, and a web server computer (first device) operationally connected through the Internet to remote computers (second devices) accessible by direct mail recipients or screened users. The recipient database stores data records containing addressing information such as the name, mail, fax or e-mail address, and a unique personal identification code or PIN number for each direct mail recipient (recipient database stores mailing list parameters). The mail generator retrieves recipient data from the database and generates a multiplicity of direct mail pieces each displaying the name, address, and a uniform resource locator or URL containing the personal identification code for a screened or targeted recipient. The targeted or responding recipient accesses the web server (first device) or central computer by entering the uniform resource locator or URL displayed on the received direct **mail piece or mailer (paper form)**, mailed via the post office or e-mailed to the targeted recipient, into a local web browser outputted on his remote computer or second device (logging step). The web server computer retrieves recipient data from the recipient database correlated to the personal identification code or PIN contained in the uniform resource locator

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and uses this recipient data to create a unique interactive web page, where the recipient or respondent views personal messages or ads directed to his attention.

Here, recipient database 12 stores recipient data records 22 containing recipient addressing information, such as the recipient's name and address and a unique personal identification code for each intended direct mail recipient. Typically the recipient data (mailing list) contained in the recipient data records 22 is obtained from a mailing list broker and entered or stored into the recipient database 12. The recipient database 12 may also include demographic and tracking information for each recipient (col. 3: 64 to col.4: 5).

Further, mail generator 14, typically located in a lettershop, is electronically coupled to recipient database 12 so as to be capable of retrieving the recipient data for each intended or targeted (via a screening or filtering process) direct mail recipient or user. Preferably, mail generator 14 of fig. 1 comprises a computer system 24 including a printer 25 for printing direct mail pieces 26 displaying thereon the name, address and uniform resource locator (or URL related to a web site) containing a unique personal identification code, for each intended recipient. Mail generator 14 also typically addresses and prepares direct mail pieces or mailers 26 for mailing through a postal system 28, which delivers mail pieces 26 to a plurality of locations 29, typically the home or office of each targeted or screened recipient (col. 4: 6-19).

In short, Shane discloses in fig. 4, the steps (of the method 100) carried out by apparatus 10. An advertiser (user) obtains one or more mailing lists from a list broker (by leasing or purchasing the mailing lists), wherein the mailing lists (raw data) are sent to a data house, along with any in-house lists and suppression lists that the advertiser has previously generated (Block

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102). The data contained on the mailing and in-house lists are processed or filtered to eliminate duplicates and to prevent mail from being sent to certain individuals or addresses on the suppression lists, which the advertiser has previously determined would be inappropriate, to generate a recipient database 12 (screening the mailing lists to eliminate duplicate names or to prevent delivery to certain recipients' in a suppression list based at least on their addresses or locations, etc -Block 104) (using a modified or screened mailing list of recipients to send the mailing pieces to). In a typical direct mailing, the direct mail pieces 26 would then be printed by merging a pre-prepared form letter with data from the mailing lists, and the direct mail pieces or mailers 26 would be prepared for mailing and deposited with the post office 28 (col. 5: 63 to col. 6: 11).

See abstract; figs. 1-4; col. 2: 22 to col. 3: 32.

Shane also supports, in general, the steps of printing users' names and addresses on mail pieces or mailers, containing advertising or promotions, and mailing the mail pieces to the users by a data house (processing mail pieces). The users may respond via phone calls or by ordering products featured in the mail pieces. (Col. 1: 30-67). It should further be understood that the mailing list (or a screened mailing list), as disclosed by Shane, could be used in more than one marketing campaign (i.e. to run a first, second, third marketing campaign).

As per claims 3 and 12, Shane does not expressly disclose using a user's response or feedback to a mailing piece 26 or mailer (advertising message) to generate and deliver subsequent mailers to the user (implementing subsequent marketing campaigns).

However, it is common practice in the art to display or present promotional messages or advertising messages to a user and to monitor (track) and record the user's interaction (feedback) with the presented advertising messages, wherein the monitoring or interaction data are used to deliver subsequent messages to the said user ("Official Notice").

Therefore, an ordinary skilled artisan, implementing the system of Shane, would have been motivated at the time of the invention to incorporate the above disclosure ("Official Notice") into the Shane's system so as to deliver or present one or more promotional messages or advertising messages to a user during a first period of time (first marketing or advertising campaign) and to monitor and record the user's interaction with the one or more advertising messages during the first period of time and to utilize the monitoring or interaction data to present subsequent advertising messages to the user during a second period of time (second advertising or marketing campaign), thereby rendering the system more effective by delivering targeted advertising messages to a user during a second period of time based on the user's viewing habits or interaction data or user's performance with previously displayed or read messages (past viewing history) during a first period of time.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

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matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-11 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bibelnicks in view of Shane, US Patent 5, 793, 972.

As per claims 10-11 and 15-16, although Bibelnicks discloses mailing a promotion event via the post-office to one or more targeted customers (col. 3: 38-47; col. 7: 24-27), he does not expressly teach e-mailing or faxing the promotion event to the one or more targeted customers.

However, Shane discloses a system for providing an interactive response to direct mail programs comprises a recipient database, a mail generator, and a web server computer (first device) operationally connected through the Internet to remote computers (second devices) accessible by direct mail recipients or screened users. The recipient database stores data records containing addressing information such as the name, mail, fax or e-mail address, and a unique personal identification code or PIN number for each direct mail recipient (recipient database stores mailing list parameters). The mail generator retrieves recipient data from the database and generates a multiplicity of direct mail pieces each displaying the name, address, and a uniform resource locator or URL containing the personal identification code for a screened or targeted recipient. The targeted or responding recipient accesses the web server (first device) or central

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computer by entering the uniform resource locator or URL displayed on the received direct **mail piece or mailer (paper form)**, mailed via the post office or e-mailed to the targeted recipient, into a local web browser outputted on his remote computer or second device (logging step). The web server computer retrieves recipient data from the recipient database correlated to the **personal** identification code or PIN contained in the uniform resource locator and uses this recipient data to create a unique interactive **web page**, where the recipient or respondent views personal messages or ads directed to his attention. See abstract; figs. 1-4; col. 2: 22 to col. 3: 32.

Therefore, an ordinary skilled artisan, implementing the system of Bibelnicks, would have been motivated at the time of the invention to incorporate the Shane's system into Bibelnicks' so as to e-mail or fax one or more promotional messages or advertising messages or promotion events to one or more targeted customers based on the one or more customers' purchase history, demographic data, previously received promotions, etc., thereby rendering the system more effective by delivering targeted advertising messages or promotion events to one or more targeted customers in real-time, while eliminating the delay associated with regular post-office mail delivery and saving money on postal service charges.

Conclusion

Although the following references were not used in the Office Action, they were highly considered by the Examiner. Applicants are further directed to consult these references.

US Patent 6, 076, 101 to Kamakura discloses an electronic mail processing system for distributing an e-mail message from a sender to recipients, which encourages the recipients to open, read, and reply to the e-mail message sent from the sender. An original e-mail message sent from a sender via a sender terminal is stored in an outgoing message storage unit. An outgoing mail information registration unit stores a list of recipients to whom the e-mail message should be delivered, as well as storing information on bonus points. A message sending unit encloses bonus point information in the e-mail message and distributes it to the recipients included on the list. Upon receipt of a reply message from one of the recipients, a reception process unit gives a predetermined number of bonus points to the recipient. Each recipient's bonus points are accumulated in a recipient information storage unit, and he/she can redeem his/her bonus points for gifts depending on the accumulated points. This structural arrangement encourages the recipients to open the sender's message and write reply messages thereto in expectation of the redeemable bonus points, thus allowing the original message sender to collect more reply messages from the recipients than normally expected.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (703) 308-6287). The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (703) 305- 8469.

For information on the status of your case, please call the help desk at (703) 308-1113. Further, the following fax numbers can be used, if need be, by the Applicant(s):

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After Final- 703-872-9327

Before Final -703-872-9326

Non-Official Draft- 703-746-7240

Customer Service- 703-872-9325

09/29/04

JDJ

A handwritten signature in black ink, appearing to read "Jean D. Janvier", written in a cursive style.

Jean D. Janvier

Patent Examiner

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